

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT HUGHES,

Defendant.

CASE NO. 1:96cr110-01

HON. ROBERT J. JONKER

**ORDER GRANTING MOTION FOR SENTENCE MODIFICATION**

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence under 18 U.S.C. § 3582(c)(2) (docket # 212). The basis for the motion is the United States Sentencing Commission's retroactive reduction in the base offense level guideline for crack cocaine offenses, effective March 3, 2008, and amended May 1, 2008. The Probation and Pretrial Services Department has submitted a Revised Sentence Modification Report dated July 10, 2008, in response to this Court's order (docket # 210). The Revised Report finds Defendant Hughes eligible for reduction and recommends a sentence reduction to 170 months with a new condition of supervised release providing for six months in a halfway house. This would allow for Defendant's release from imprisonment in early September of this year. Counsel for the government concurs with the findings, analysis, and recommendations of the Revised Report. Counsel for Defendant concurs with the findings and analysis of the Revised Report, but contests the recommendation to the extent it would postpone release to September of this year. Defendant asserts release should be immediate (or as immediate as is physically and administratively possible) because Defendant has already served longer than his sentence would probably have been (estimated in the Revised Report of 147 months) had the amended guidelines been in effect at the time of his original sentence and subsequent Rule 35 reduction.

The Court has reviewed the public record in this matter, the original Presentence Report, the Sentence Modification Report and the Revised Sentence Modification Report. After considering the recommendations of interested parties, and the goals of sentencing under 18 U.S.C. § 3553(a), and consistent with the Sentencing Commission's policy Statement, U.S.S.G. 1B1.10, the Court finds

that a reduction in sentence to 170 months is warranted on the facts of this case. This will result in Defendant's release approximately one year earlier than presently expected. At the same time, it will provide enough time for the Bureau of Prisons to prepare Defendant Hughes for release to a halfway house near his mother's home in Houston, Texas; and for his mother to make appropriate preparations for his arrival in the community. In particular, Defendant Hughes' mother expects to assist in finding employment opportunities for Defendant Hughes. This will naturally take some time, and will be an important step in helping Defendant Hughes transition out of the structured environment of the Bureau of Prisons. The Court recognizes and understands the eagerness of Defendant Hughes for release at the earliest possible moment, but the Court believes that the 170 month timeline provides the best opportunity for both prompt release and successful transition into community life after a lengthy term of imprisonment. The Court also notes that Defendant Hughes has through a combination of sentence reductions authorized by law significantly reduced his original sentence of 270 months to 170 months.

Accordingly, **IT IS ORDERED** under 18 U.S.C. § 3582(c)(2) that Defendant's current sentence of imprisonment in this matter be **REDUCED TO 170 MONTHS**, with the following modification to supervised release conditions at the beginning of supervision:

**The defendant shall reside for a period of six (6) months at the beginning of the term of supervised release at a halfway house designated by the Bureau of Prisons in Houston, Texas. The defendant shall have work release privileges and shall observe the rules of that facility.**

The additional condition of release is a material factor in the Court's decision to grant Defendant's motion. The existing sentence remains in all other respects unchanged.

Under Administrative Order 08-052 the Clerk is directed to reassign this case back to the Honorable Gordon J. Quist for all further proceedings.

/s/ Robert J. Jonker  
Robert J. Jonker  
United States District Judge

Date: July 28, 2008